

Application No. 10/743819  
Amendment dated 21 April 2005  
Reply to Office Action of 25 January 2005

Page 13 of 18

REMARKS

The Applicant has:

- amended claims 1, 3, 6-11, 20, 24, 25, 31, 38 and 40;
- cancelled originally filed claims 2, 4, 5 and 12; and
- added new claim 41.

Claims 1, 3, 6-11 and 13-41 are pending after this amendment.

Allowable Subject Matter

The Examiner has indicated that claims 20-23, 38 and 39 would be allowable if rewritten in independent form to include all of the features of their respective base claims and any intervening claims. The Applicant has done this by:

- amending claim 20 to include the features of originally filed claims 1 and 19; and
- amending claim 38 to include the features of originally filed claims 37 and 24.

Claims 21-23 depend from claim 20 and claim 39 depends from claim 38.

Accordingly, the Applicant submits that claims 20-23, 38 and 39 are now in condition for allowance.

Claims 1, 3, 6-11, 13

The Examiner has cited US Patent No. 2,565,131 (Johnson) in relation to originally filed claims 1-13.

As understood by the Applicant, Johnson discloses a roof vent designed for mounting on a sloped roof. The Johnson vent has a pair of screens (43, 46), which are used to protect the various vent openings from the intrusion of insects, birds and rodents. Johnson describes the connection of the screens to the vent at column 4, lines 51-69 and in the accompanying drawing of Figure 3. Johnson discloses that the rearward edge of the screen (43) is "folded and/or folded and crimped or otherwise secured to the bent edge 15 of the front wall 16" and that the forward edge of screen (43) is "secured in the turned bead 14 of the top cover 10". Johnson discloses that screen (46) "has its rearward edge 47 crimped and secured in the turned bead 13 of the cover 10 and its body is preferably merely bent and forced into the passage 7 with its forward edge bearing on the wall 19 in resilient contact therewith".

Application No. 10/743819  
Amendment dated 21 April 2005  
Reply to Office Action of 25 January 2005

Page 14 of 18

In contrast, claim 1 (as amended) recites the combination of "a substantially hollow cover member" and "a screen comprising: a plurality of screen apertures" wherein the screen has first, second and third surfaces and "a fourth surface which extends from the third surface along the first portion of the cover member surface, wherein the first portion of the cover member surface comprises one or more projections which extend from the first portion of the cover member surface and project through the one or more screen apertures in the fourth surface." Johnson fails to teach or suggest this combination of features. More particularly, Johnson fails to disclose a vent having a cover member and a screen wherein a surface of the cover member has projections which project through apertures in the screen.

Johnson actually teaches away from this feature of claim 1 by stating that the edges of the screens project into "turned beads" in the cover member (10), which suggests that the screen edges are used as "male" coupling members that project into corresponding "female" beads in the cover member (10). This teaching from Johnson directly opposes the recited invention which has "male" cover member projections which project into and through "female" screen apertures. Furthermore, folding and/or crimping the edge of a screen to secure the screen to a bent edge of the cover member (as taught by Johnson) is different than providing a cover member with projections that project through screen apertures.

Based on this reasoning, the Applicant submits that claim 1 patentably distinguishes Johnson. Claims 3, 6-11 and 13 depend from claim 1 and are submitted to be patentable for at least this reason.

Claims 14-18

The Examiner has cited Johnson in combination with US Patent No. 5,344,363 (Pollock) in relation to claims 14-18. Claims 14-18 depend from claim 1.

Pollock describes a roof vent for a grain bin which communicates air flow from within the grain bin to ambient air. However, Pollock fails to remedy the aforementioned defect with Johnson, as Pollock also fails to teach or suggest the claim 1 combination of a vent having a cover member and a screen wherein a surface of the cover member has projections which project through apertures in the screen.

Application No. 10/743819  
Amendment dated 21 April 2005  
Reply to Office Action of 25 January 2005

Page 15 of 18

Accordingly, the Applicant submits that claims 14-18 patentably distinguish the combination of Johnson and Pollock.

Claim 19

The Examiner has cited Johnson in combination with US Patent No. 5,722,181 (Meyer) in relation to claim 19. Claim 19 depends from claim 1.

Meyer describes a vent guard for protecting the exit area of an air vent conduit. However, Meyer fails to remedy the aforementioned defect with Johnson, as Meyer also fails to teach or suggest the claim 1 combination of a vent having a cover member and a screen wherein a surface of the cover member has projections which project through apertures in the screen.

Accordingly, the Applicant submits that claim 19 patentably distinguishes the combination of Johnson and Meyer.

Claims 24-26

The Examiner has cited Pollock in relation to claims 24-26.

As understood by the Applicant, the Pollock roof vent includes a housing (22) and a flap closure member (32) in the shape of an airfoil having a bottom edge (36) and a top edge (34). The flap closure member (32) is pivotally mounted on a horizontal axis. As disclosed at column 5, lines 3-24 and column 6, lines 5-43 and shown in the accompanying drawings of Figures 3, 4 and 7, the horizontal pivot axis (created by brackets (44) and rod (50)) is located above the center of gravity of the flap member (32) at a distance of at least 60% of the height of flap member (32) and no greater than 80% of the height of flap member (32) as measured from the bottom edge (36) of flap member (32).

In contrast, claim 24 recites “a damper member located in the vent passageway and pivottally coupled at one of its ends to the cover member, an exterior surface of the damper member having a curved profile that is substantially similar to the curved contour of the first portion of the cover member surface, the damper member pivotable to an open-most position wherein the curved profile of the exterior surface of the damper member extends along the curved contour of the first portion of the cover member.” Pollock fails to teach

Application No. 10/743819  
Amendment dated 21 April 2005  
Reply to Office Action of 25 January 2005

Page 16 of 18

or suggest such a feature. While Pollock describes a flap member (32) that is curved, the Pollock flap member (32) is pivotally mounted on a horizontal axis which is located at a distance of at least 60% of the height of flap member (32) and no greater than 80% of the height of flap member (32) as measured from the bottom edge (36) of flap member (32). The Pollock flap member (32) is not "pivotally coupled at one of its ends to the cover member" as recited in claim 24. Furthermore, when the Pollock flap member (32) is rotated to its open-most position (shown in dashed outline in Figure 3), it does not "extend along" the curved contour of the cover member as recited in claim 24.

Based on this reasoning, the Applicant submits that claim 24 patentably distinguishes Pollock. Claims 25 and 26 depend from claim 24 and are submitted to be patentable for at least this reason.

#### Claims 27-36

The Examiner has cited Pollock in combination with Johnson in relation to claims 27-36. Claims 27-36 depend from claim 24.

Johnson describes a roof vent designed for mounting on a sloped roof. However, Johnson fails to remedy the aforementioned defect with Pollock, as Johnson also fails to teach or suggest the claim 24 feature of a vent having a damper member pivotally coupled at one of its ends to a cover member, wherein the damper member and cover member have a similar curved shape such that in its open-most position, the damper member extends along the curved contour of the cover member.

Accordingly, the Applicant submits that claims 27-36 patentably distinguish the combination of Pollock and Johnson.

#### Claim 37

The Examiner has raised Pollock in combination with Meyer in relation to claim 27-37. Claim 37 depends from claim 24.

Meyer describes a vent guard for protecting the exit area of an air vent conduit. However, Meyer fails to remedy the aforementioned defect with Pollock, as Meyer also fails to teach or suggest the claim 24 feature of a vent having a damper member pivotally

Application No. 10/743819  
Amendment dated 21 April 2005  
Reply to Office Action of 25 January 2005

Page 17 of 18

coupled at one of its ends to a cover member, wherein the damper member and cover member have a similar curved shape such that in its open-most position, the damper member extends along the curved contour of the cover member.

Accordingly, the Applicant submits that claim 37 patentably distinguishes the combination of Pollock and Meyer.

Claim 40

The Examiner has raised Pollock in relation to claim 40. Claim 40 recites "a damper member located in the vent passageway and pivottally coupled at one of its ends to the cover member, an exterior surface of the damper member having a second bend, the second bend having a profile that is substantially similar to a contour of the first bend, the damper member pivotable to an open-most position wherein the profile of the second bend of the exterior surface of the damper member extends along the contour of the first bend of the first portion of the cover member." As discussed above in relation to claim 24, Pollock fails to teach or suggest this combination of features. Accordingly, the Applicant submits that claim 40 patentably distinguishes Pollock.

Claim 41

The Applicant has added new claim 41 for which patent protection is sought. The Applicant respectfully submits that new claim 41 contains no new subject matter.

Application No. 10/743819  
Amendment dated 21 April 2005  
Reply to Office Action of 25 January 2005

Page 18 of 18

Conclusions

The Applicant respectfully requests reconsideration and allowance of this application in light of the foregoing amendments and comments.

Respectfully submitted,  
OYEN WIGGS GREEN & MUTALA LLP

By:

Gavin N. Manning  
Registration No. 36,412  
Tel. No.: (604) 669-3432  
Fax No.: (604) 681-4081  
e-mail: docket3@patentable.com